

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PUBLISHING TECHNOLOGIES LLC

Plaintiff,

vs.

TD AMERITRADE HOLDING
CORPORATION d/b/a SCOTTRADE

Defendant.

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Case No:

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Publishing Technologies, LLC (“Plaintiff” or “PT”), by and through its attorneys, files this Complaint against TD Ameritrade Holdings Corporation d/b/a Scottrade (“Defendant” or “TD Ameritrade”) for infringement of United States Patent Nos. 7,908,342 (“the ‘342 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its office located at 825 Watters Creek Blvd., Bldg. M, Suite 250, Allen, TX 75013.

4. Upon information and belief, Defendant is a Delaware corporation with a principal place of business at 4211 S 102nd Street, Omaha, Nebraska 68127. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of

infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

5. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

6. On information and belief, venue is proper in this District pursuant to 28 U.S.C. § 1400(b). Acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District. For example, on information and belief, Defendant provides the infringing product and/or service through a subsidiary known as Scottrade. Scottrade has a regular and established place of business at 190 E Stacy Rd #4020, Allen, TX 75002 and 6880 S Broadway Ave, Tyler, TX 75703. Defendant also has a regular and established place of business at 1709 Preston Rd, Plano, TX 75093. On information and belief, Defendant has other regular and established places of business in this District.

COUNT I

(INFRINGEMENT OF UNITED STATES PATENT NO. 7,908,342)

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

9. Plaintiff is the owner by assignment of the '342 Patent with sole rights to enforce the '342 Patent and sue infringers.

10. A copy of the '342 Patent, titled "Method, apparatus and system for management of information content for enhanced accessibility over wireless communication networks," is attached hereto as Exhibit A.

11. The '342 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

12. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 17, of the '342 Patent by making, using, importing, selling, and/or offering for sale an online trading platform and system, which is covered by one or more claims of the '342 Patent. Defendant has infringed and continues to infringe the '342 Patent directly in violation of 35 U.S.C. § 271.

13. Regarding Claim 17, Defendant provides an apparatus for use in managing information content in a network-based communication system. For example, Defendant provides an online trading platform known as ScottradeELITE ("Product") that is implemented using at least one server used in managing information content. The server is connected to the Internet, through which it communicates with computing clients such as customers' computers and mobile smartphone/tablet devices. Certain aspects of the foregoing are illustrated in the screenshots below.

Online Trading & Investing

Choose the platform that's right for you. Make informed decisions with news, analysis and stock trading tools. Whether you trade once a month or several times a day, Scottrade offers an array of online tools to help you execute your investment plan.

Open A New Account



<https://www.scottrade.com/online-trading.html>

Market Overview



Sector Performance		Industry Performance	
Top sectors Last 5 Days		Bottom sectors Last 5 Days	
Consumer Non-Cyclicals	2.01%	Telecommunication Services	-0.53%
Basic Materials	1.71%	Healthcare	-0.26%
Technology	1.33%	Consumer Cyclical	-0.04%

<https://research.scottrade.com/qnr/public/Markets/Overview/>

6 Ways to Use New ScottradeELITE®:



Measure Momentum Strength with Our Proprietary Formula

Identify and measure trend strength in sectors, industries and stocks with our Sector Trends tool, then plot this proprietary momentum indicator on your chart to identify potential entry and exit signals.



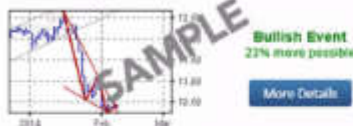
Analyze Price Movements Using Advanced Charting Tools

Find new trading opportunities with 50+ technical indicators, sophisticated drawing tools and the ability to test trading strategies and replay market shifts from a bar of your choice.

XYZ Corporation

Continuation Wedge (Bullish)

Trading closed at \$10.40 to confirm an Intermediate-Term Bullish Continuation Wedge (Bullish) pattern



Tells Me: After a temporary interruption, the prior uptrend is set to continue. A Continuation Wedge (Bullish) represents a temporary interruption to an uptrend, taking the shape of two converging wedges both started... [more details](#)

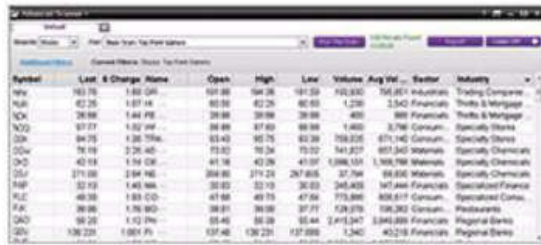
Get Access to Timely Trading Ideas from Trading Central and Recognia®

Follow the lifecycle of 4 ETF trades per month from entry to exit with Trading Central, and get daily trading ideas emailed to you each evening in Recognia's Daily Report.



Use Intraday Trader™ by Recognia®1 to Monitor Technical Events

Easily spot new trade ideas with predefined or custom technical setups on a 15-minute price bar, and receive notifications when Technical Event® opportunities develop throughout the day.



Symbol	Last & Change	Name	Open	High	Low	Volume	Avg Vol	Sector	Industry
WU	153.75	1.88 Up	151.85	154.36	151.25	102,550	145,651	Financials	Trading Companies
NLI	42.25	1.87 Up	40.38	42.25	40.63	1,230	2,342	Financials	Trusts & Mortgage
NCH	39.88	1.44 Up	38.44	39.88	38.00	400	889	Financials	Trusts & Mortgage
NZD	67.77	1.82 Up	65.95	67.63	65.94	1,480	2,786	Consumer	Specialty Stores
CRK	84.75	1.26 Up	83.49	85.75	83.38	159,205	471,142	Consumer	Specialty Stores
CDW	78.18	2.25 Up	75.93	78.34	75.02	141,877	453,345	Technology	Specialty Chemicals
CD	42.13	1.54 Up	40.59	42.28	41.07	1,048,151	1,569,798	Technology	Specialty Chemicals
CSL	271.08	2.94 Up	268.14	271.25	267.45	37,794	65,832	Healthcare	Specialty Chemicals
NAB	32.13	1.45 Up	30.68	32.13	30.03	345,403	147,444	Financials	Specialized Finance
PLZ	48.58	1.83 Up	46.75	48.75	47.64	719,886	858,617	Consumer	Specialized Finance
PAC	38.88	1.76 Up	37.12	38.88	37.11	1,28,378	128,282	Consumer	Medicaments
CDZ	186.25	1.12 Up	185.13	186.50	185.44	2,411,247	3,941,883	Financials	Regional Banks
CDL	136.23	1.00 Up	135.23	136.23	135.23	1,340	43,218	Financials	Regional Banks

Search for Current Market Opportunities

Look for stocks and ETFs quickly using 44 predefined scans and filters that help you narrow your search to a certain volume or price range. Plus, export the results of your search to your watch list in one click.

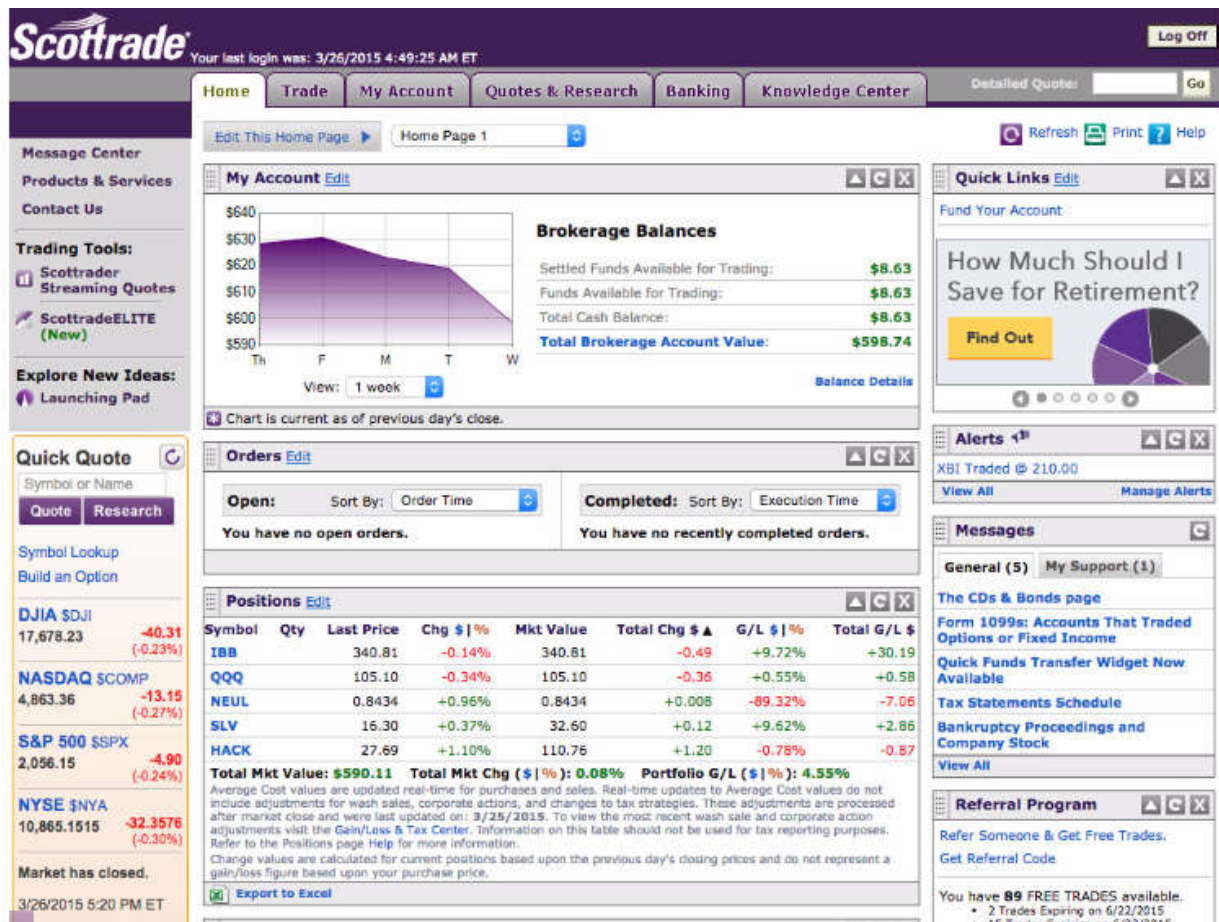


Research & Trade from Anywhere

Detach any window from the main ScottradeELITE® platform to monitor your favorite stocks or place trades while you're visiting other website.

<https://www.scottrade.com/online-trading/online-trading-platform-scottradeelite.html>

14. The Product's servers have processing elements comprising a processor coupled to a memory. The Product's servers, for example, execute instructions in response to user requests for content, order placement and dashboard configuration using a processor. Further, the Product's servers comprise a volatile memory (such as RAM) used for executing the instructions using the processor. Further, the Product's servers also comprise a non-volatile memory that stores user preferences, order history, dashboard and portfolio information. Certain aspects of the foregoing are illustrated in the screenshots below.



<https://www.brokerage-review.com/investing-firm/good/is-scottrade-good-brokerage-company.aspx>

15. The processors provide at least a portion of a content management website identified by a first uniform resource locator that can be accessed over the Internet using a web browser. For example, the Product's content management website is accessible to a user and is identified by the URL <https://www.scottrade.com/>. The Product allows users to designate one or more stock symbols using the "full" website (the claimed "content management website") and add the stock symbols to one or more "watch lists." Once a stock symbol has been added to a watch list, a user clicks on the stock symbol via a hyperlink and accesses information associated with that stock symbol from external data sources, including but not limited to news, quotes and analysis charts associated with the stock symbol. Only stock symbols designated by the user are added and accessible through such watch lists. Therefore, by designating one or more stock symbols to be

added into watch lists on the Product's content management website, a user designates the external data sources that provide information including but not limited to news, quotes and analysis charts associated with that stock symbol. Certain aspects of the foregoing are illustrated in the screen shots below.

Customize Your Trading Environment

Template Manager

Template Manager allows you to manage multiple layouts and load a specific layout based on your research and trading goals.

Layout Manager

Use Layout Manager to generate a list of your layouts (up to ten layouts may be displayed in the Layout Manager menu). To access the Layout Manager, to the right of the Trade button, click the button with the name of your current layout and then click Layout Manager.

Linker Tool

The Linker Tool allows you to associate windows so that when you enter a symbol in one of the linked windows, the information for the symbol will display in all linked windows simultaneously.

<https://www.scottrade.com/knowledge-center/help-how-to/elite/customize-your-trading-environment.html>



<https://www.scottrade.com/online-trading/trading-platform-scottrade.html>

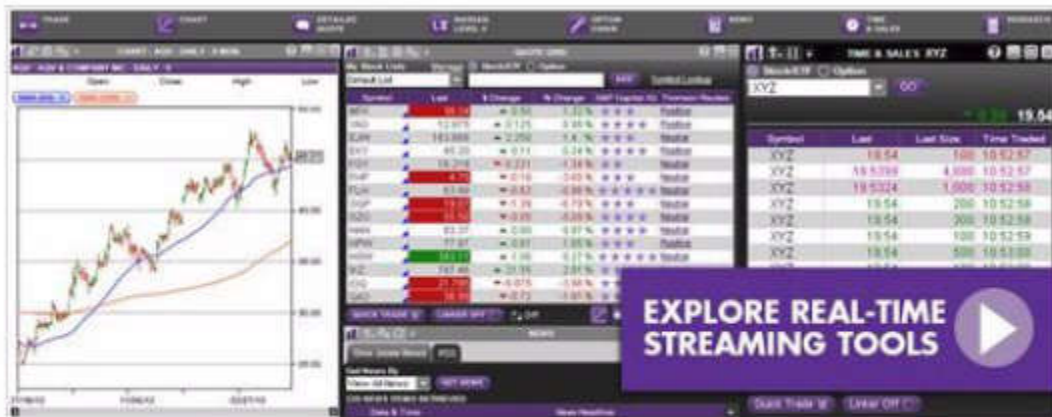
- **Market Research Tools** – The following features within ScottradeELITE enable you to research the market for opportunities.
 - More than 100 different technical and fundamental data elements that enable you to create personalized symbol grids allowing research of equities, options, and mutual funds.
 - Create an unlimited number of symbol lists.
 - NASDAQ TotalView Quotes displays every single quote and order at every price level in the NASDAQ Market Center with the fastest data feed available. Use TotalView to:
 - Better understand how orders are distributed throughout the market.
 - Identify new trading opportunities.
 - More effectively trade positions.
- **Discovering Opportunities in the Market** – Research opportunities and find which investments are best for you with the ScottradeELITE trading platform.

Select different market events to **watch** and filter to refine the universe of securities being monitored. The result is an uninterrupted, real-time stream of actionable online trade opportunities streamed directly into ScottradeELITE.

- **Advanced Scanner** provides the ability to do many scan types on securities. Offers sorting and filter options by minimum amount, maximum amount, minimum average volume, fund category, and fund family. Use Advanced Scanner to find the most actives, net gainers/losers, and percent gainers/losers for fourteen separate exchanges. Advanced Scanner allows you to run scans for top performers and highs and lows.
- Use the **High/Low Filter** to view streaming, real-time highs and lows. Use this functionality to modify and customize settings to target only the segment of the market you want to see to catch breakouts and stay on top of the market.
- Use **ScottradeELITE Alerts** to monitor the market setting an unlimited number of conditional alerts and an unlimited number of rules for each of those alerts.

https://www.scottrade.com/documents/elite/ScottradeELITE_User_Guide.pdf

Scottrade® Streaming Quotes



Experience Real-Time Trading Your Way. Make Our Platform Your Platform.

You know that accurate information delivered on a timely basis is key to successfully managing your financial strategy. Now you can stay on top of the market with real-time Dow Jones News updates and stock quotes available in the fully-customizable Scottrade® Streaming Quotes platform.

Build a trading platform to suit your trading style and strategy. Create a look-and-feel that appeals to you with adjustable font sizes, color themes and layout settings while adding real-time streaming charts, Top 10 lists or live news updates.

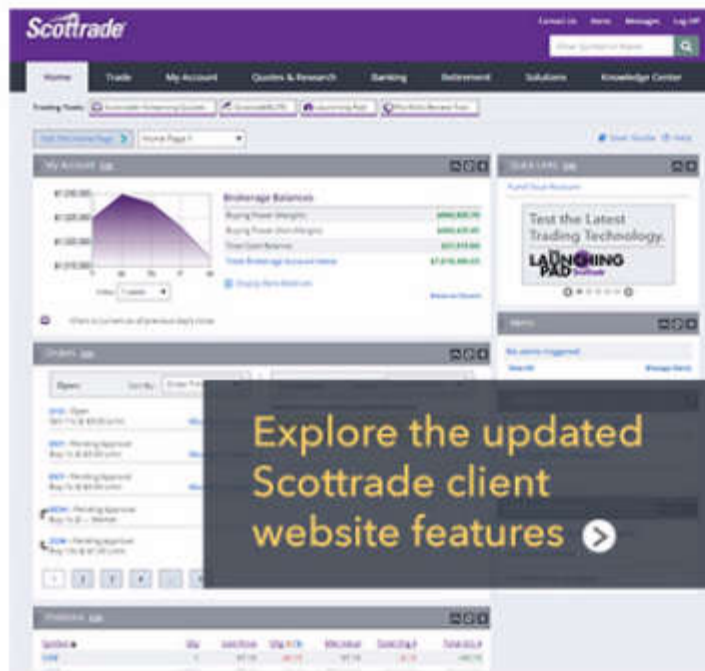
Scottrade also delivers instant detailed quotes that include financial, fundamental and technical information for the symbols of your choice.

Other key features include:

- **Advanced Charting** – Analyze up-to-the-minute price and volume patterns with the help of more than 30 different technical indicators and trend lines.
- **Watch Lists** – Monitor an unlimited number of securities using your custom lists or set up alerts that notify you as soon as a security you're monitoring meets your customized criteria.
- **Active Ticker** – Stay connected as symbols from your watch lists automatically scroll at the speed you select.
- **Advanced Order Entry** – Set up provisional trade commands, such as conditional orders, one cancels other (OCO) or one cancels all (OCA).
- **Market Movers** – Track the market's current top gainers and losers.
- **Cost Basis** – Monitor your cost basis activity with direct access to the Gain/Loss & Tax Center located in your Scottrade brokerage account.

<https://www.scottrade.com/online-trading/trading-platform-scottrade.html>

Scottrade® Client Website for Online Trading



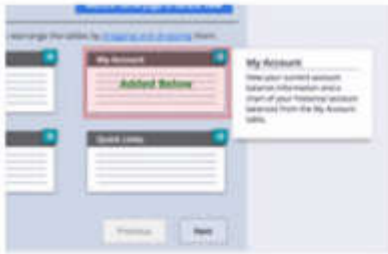
State-of-the-Art Trading Tools

Manage your own investments on your own time. Scottrade clients can invest with the Scottrade® client website's powerful, user-friendly stock trading tools designed to provide everything you need for online trading. A Scottrade [online trading account](#) gives you access to the Scottrade® client website, which is available in English or Chinese. Just open and fund your account to start trading.

Enjoy fast, intuitive navigation as you monitor your account at a glance, from balances and pending orders to watch lists and alerts. Dive deep into investment research, market news, analyst reports and commentary. Or brush up on a host of investment topics in the Scottrade® Knowledge Center, whatever your experience level.

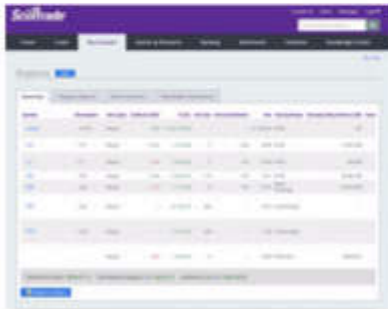
Ready to trade? Screen stocks, mutual funds and ETFs to fit your investment strategy. Take advantage of indicators and charts to spot trends and put numbers in context. Scottrade SmartText® makes technical analysis easy to read and understand. Scottrade clients can save time with quick-trade tools at no additional cost. Need to trade on-the-go? Our mobile trading site is also free to all clients.

<https://www.scottrade.com/online-trading/trading-website.html>



Customize Your Trading Site with Drag & Drop Convenience

Create up to 3 different trading home pages with up to 23 tables displayed per page; simply select, grab and position to organize data in the way you want.



Add Power with Customizable Positions and the Quick Trade Bar

View the Positions page of your account your way by selecting and ordering data to suit your trading style; then boost your trading power using the detachable Quick Trade Bar, which enables you to monitor and place trades while browsing online.



Quick Quotes and Morningstar Data Put Research at Your Command

Easily research and review information and stock quotes using convenient online trading tools, stock performance charts and tables, many of which present real-time market information, that can potentially improve your ability to find trading opportunities that match your investing strategy.



Powerful Tools for Portfolio Management

Scottrade's Portfolio Review Tool, powered by Morningstar, is a professional-style tool that can assist you in selecting the right investment mix for your portfolio. Pre-defined asset allocation models let you compare current and targeted investments, view investment allocation across market segments and identify opportunities.



Market Snapshots and Comparisons Provide Timely Information

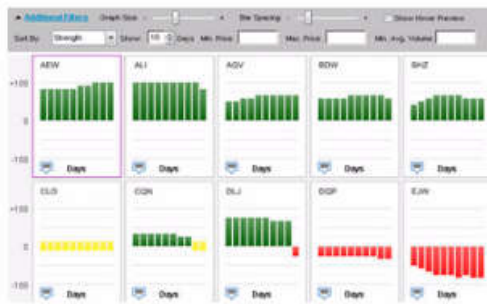
Market Pulse charts and maps provide at-a-glance trading volume and performance, while convenient Stock, ETF and Mutual Fund screeners, top performers reports and comparison tools allow you to select, view and compare market data, enhancing your market research capabilities.



Convenient Investing Tools Enable a Birds-Eye View of the Market

Scottrade's World Markets, Market Pulse and top performers data can help you get a broad view of the trading market, providing potentially valuable insights, which you may find useful for assessing trends or taking a big-picture approach to your investment opportunities.

<https://www.scottrade.com/online-trading/trading-website.html>



ScottradeELITE

An advanced trading platform created to provide the market insight and research speed active traders need.

ScottradeELITE features tools and an interface designed to help active traders identify opportunities.

[Explore ScottradeELITE](#) →


<https://www.scottrade.com/online-trading/trading-website.html>



<https://www.brokerage-review.com/better-compare/scottrade-vs-ameritrade-review.aspx>

16. The processor also generates a mobile website identified by a second uniform resource locator different than the first uniform resource locator, the mobile web site being accessible independently of the content management web site via one or more mobile devices. For example, the Product's mobile trading platform (the claimed "mobile web site") is accessible via the URL <https://mobile.scottrade.com/> and <http://m.scottrade.com/login>. These are distinct and easily distinguished from the "full" website (the claimed "content management website") accessible via the URL <https://www.scottrade.com/>. Users access the mobile web trading platform using a mobile browser application installed on their mobile devices. The Product's mobile app

trading platform is thus accessible independently of the “full” website. Further, the watch lists, stock symbols designated by the user to be added in the watch lists, and the information including but not limited to news, quotes and analysis charts associated with the designated stock symbols are also made accessible to the user via the mobile web trading platform (the claimed “mobile web site”). Further, the mobile web trading platform (the claimed “mobile web site”) receives the information including, but not limited to, news, quotes and analysis charts associated with the designated stock symbols directly from the external data sources that provide the aforementioned information. These external data sources include at least one or more news publishers (for news and articles), stock exchange servers (for price quotes) and Defendant and/or third party servers that process and store historical prices and analyst research (for charts), each of which are external to the “full” website and external to the mobile web trading platform. Certain aspects of the foregoing are illustrated in the screenshots below.




Scottrade® Mobile

Get the research and trading tools you need when you need them through our mobile platforms.

From mobile and tablet apps to Scottrade's mobile trading website, we deliver information to the right device.

[Explore Scottrade® Mobile →](#)

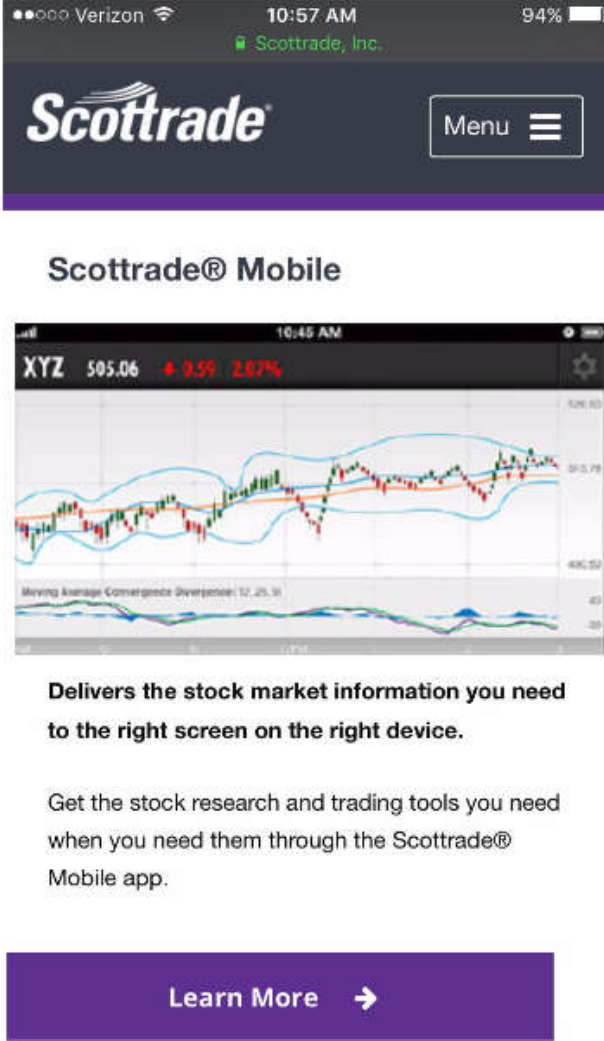
<https://www.scottrade.com/online-trading/trading-website.html>




Mobile Trading Website

You'll feel right at home when you visit our mobile trading site at m.scottrade.com — it mimics the Scottrade® client website experience.

Place trades and access market and investment research from any Internet-enabled mobile device.

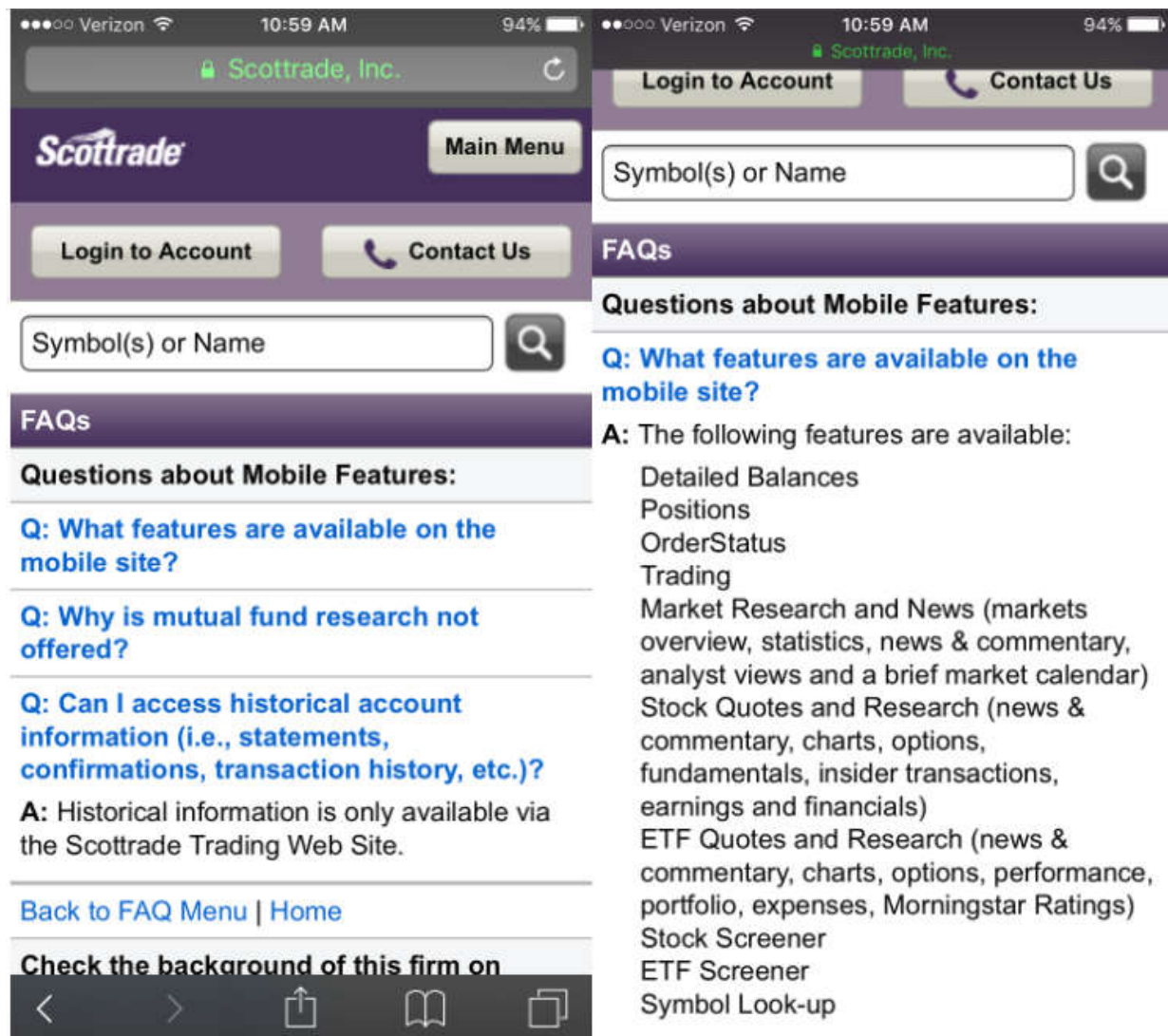




Index	Last	Change
DJIA	22974.93	17.97 0.08%

as of 10/17/2017 11:43 AM ET

[Scottrade® Mobile App](#) >



17. Additionally, to the extent users access the trading platform not through the mobile web trading platform (using a mobile web browser installed on their mobile device), but instead through one of a plurality of mobile apps offered by Defendant, these mobile apps also practice the claim limitation under doctrine of equivalents. The mobile apps are applications that can be installed on a user's Android/iOS mobile device much like a mobile browser – and provide an interface for the user to view the same stock symbols and the associated information from external data sources as described above. Upon information and belief, the interface is generated at least in part using information received from the same URLs as the mobile web trading platform.

Defendant offers at least the following such mobile apps each for Android and iOS mobile devices:

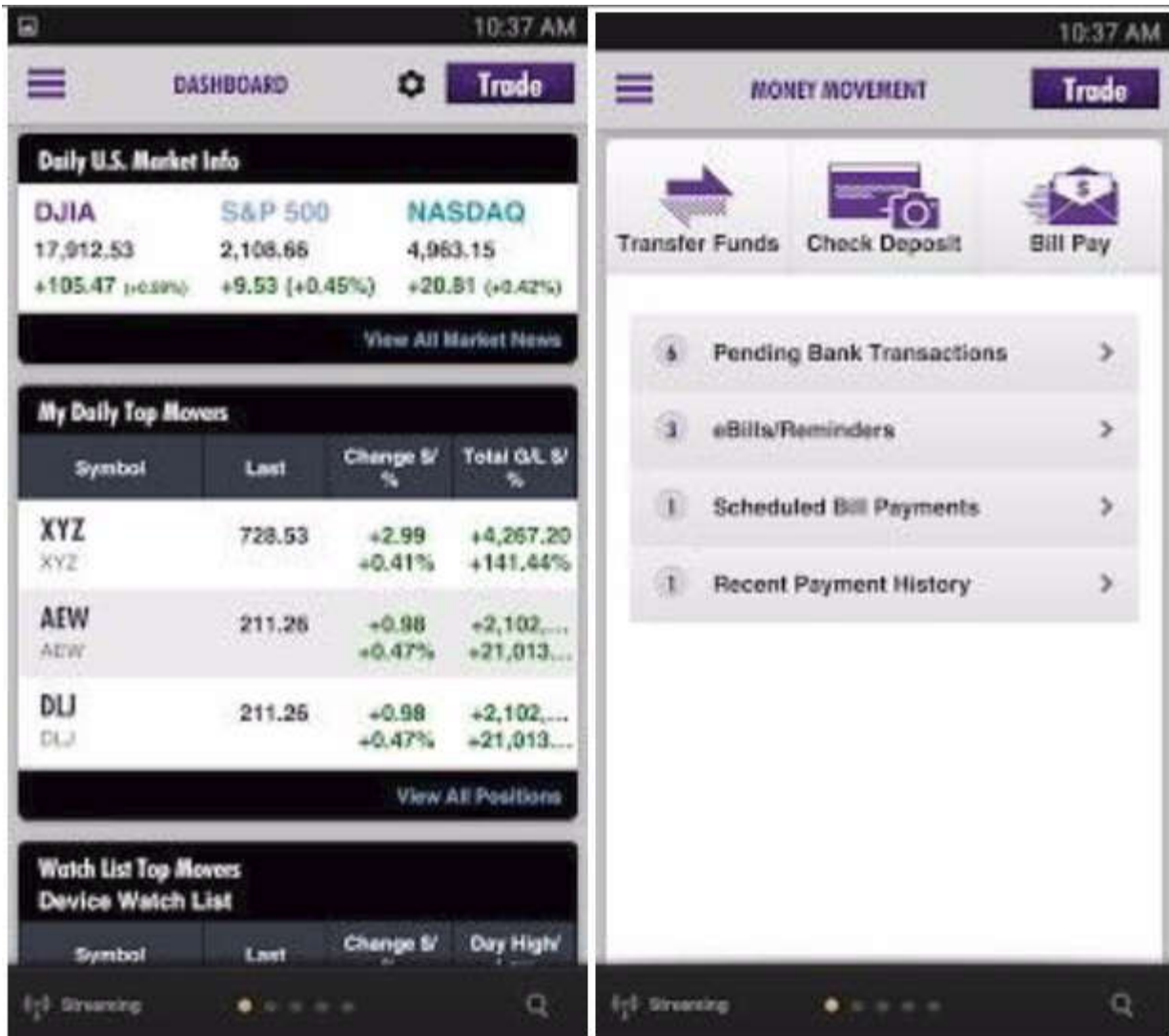
- Scottrade® Mobile for Android

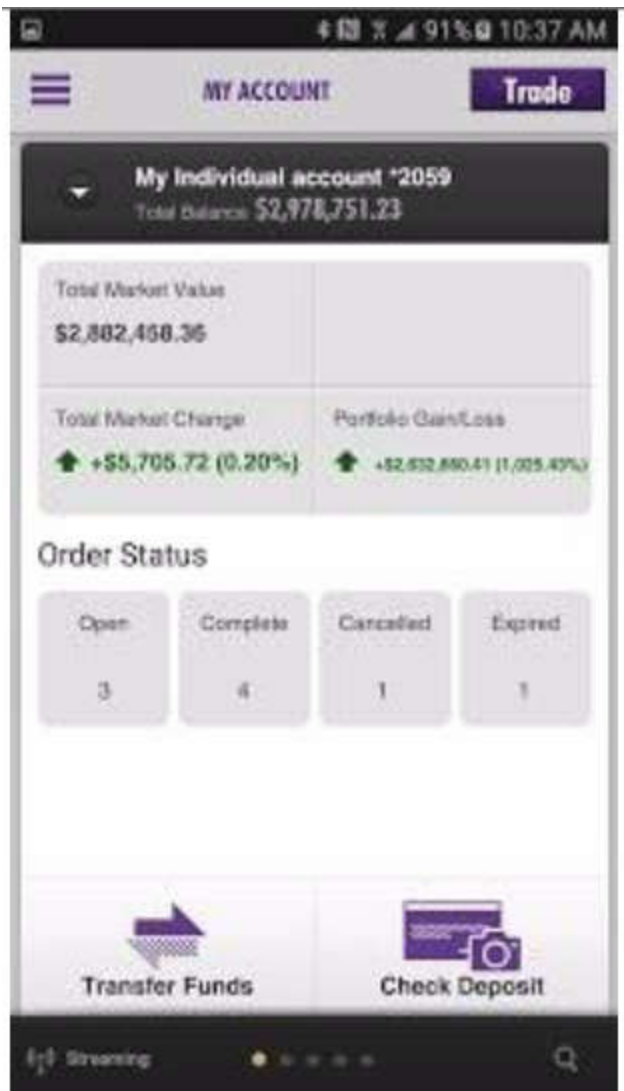
(<https://play.google.com/store/apps/details?id=com.scottrade.mobile.retail&hl=en>)

- Scottrade® Mobile for iOS, iPhone, iPad

<https://itunes.apple.com/us/app/id657861657>)

The following screenshots from the Scottrade Mobile for Android as an exemplary mobile app show the interface provided to the user for viewing stock symbols designated in one or more watch lists and the associated information such as news, quotes and charts received directly from external data sources.





18. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

24. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

25. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Award Plaintiff past and future damages, costs, and expenses resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(c) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: October 25, 2017

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

D. BRADLEY KIZZIA

State Bar No. 11547550

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ATTORNEYS FOR PLAINTIFF

EXHIBIT A